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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,104

05/31/2006

Franciscus Lucas Kamperman

NL031413

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24737

7590

02/20/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HAILU, TESHOME

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

02/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,104	<b>Applicant(s)</b> KAMPERMAN ET AL.	
	<b>Examiner</b> TESHOME HAILU	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,23-42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,23-42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 02, 2009 has been entered.

2. Claims 3, 12-22 and 43 have been canceled.

3. Claims 1-2, 4-11, 23-42 and 43-45 are pending.

### ***Response to Amendment***

4. Applicant's arguments filed on December 01, 2008 with respect to the 35 USC 112 rejections of claims 11 and 37 have been fully considered in view of the amendment and are persuasive. Therefore, the 35 USC 112 rejections have been withdrawn.

5. Applicant argues that Leung in view of Messerges fails to teach the claim limitation, "measuring a distance between the first authorized device and the second authorized device, and allowing, by means of exercising the subright, the second authorized device access to the associated content if the distance between the first authorized device and the second authorized device is smaller than a maximum access distance". Examiner disagrees.

6. Examiner would point out that Leung teaches this limitation as, (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license). However, Leung (as discussed in the final office action), fails to teach the method of measuring the distance between the

first and second authorized device. Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

7. Applicant argues that Leung fails to teach the claim 10 limitation, "content quality parameter is set in the subright, which parameter decides the quality with which the associated content can be rendered by the second authorized device". Examiner disagrees.

8. Examiner would point out that Leung teach this limitation as, (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 4, 8-11 and 23-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (Leung) (US 7,010,808) in view of Messerges (US Pub. No. 2004/0103312).

As per claim 1 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type

of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Measuring a distance between the first authorized device and the second authorized device, and allowing, by means of exercising the subright, the second authorized device access to the associated content if the distance between the first authorized device and the second authorized device is smaller than a maximum access distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of measuring the distance between the first and second authorized device. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of measuring the distance between the first and second authorized device using the teaching of Messerges in order to secure the

information by enforcing a short-range communication channel in a domain rather than long-range communication (see page 1, paragraph 11).

Claims 29, 31 and 36 are rejected under the same reason set forth in rejection of claim 1:

As per claim 2 Leung in view of Messerges discloses:

The method of claim 1, wherein the predetermined distribution criterion is that the distance between the first authorized device and the second authorized device shall be smaller than a maximum distribution distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of measuring the distance between the first and second authorized device. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of measuring the distance between the first and second authorized device using the teaching of Messerges in order to secure the information by enforcing a short-range communication channel in a domain rather than long-range communication (see page 1, paragraph 11).

As per claim 4 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is

rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Revoking the subright at the second device when the master right exit the network. (Column 3, line 54-59, wherein a portable device connect to a computer for purposes of downloading content and a corresponding sub-license in accordance with the invention). If the transferring device log off from this connection, it is inherently clear that the device revoke transferring the sub license.

Claims 26, 27 and 28 are rejected under the same reason set forth in rejection of claim 4:

As per claim 8 Leung in view of Messerges discloses:

The method of claim 1, wherein the control of the type of access that a second authorized device is given to the associated content by a subright and the predetermined distribution criteria associated with the master right, are set by a service provider. (Column 34, line 38-44, the computer may issue such sub-license only if permitted according to the terms of the corresponding license as obtained by the computer from an appropriate license server).

As per claim 9 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Wherein the control of the type of access that the second authorized device is given to the associated content by the subright is set by the first authorized device. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claim 10 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and



(column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Wherein a content quality parameter is set in the subright, which parameter decides the quality with which the associated content can be rendered by the second authorized device. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

Claims 44 and 45 are rejected under the same reason set forth in rejection of claim 10:

As per claim 11 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with

the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Contacting the first authorized device after receiving the subright and before exercising the subright by the second authorized device. (See the connection between the computer and portable device in fig. 13).

Claims 30, 37, 38, 39, 40 and 41 are rejected under the same reason set forth in rejection of claim 11:

As per claim 23 Leung in view of Messerges discloses:

The method of claim 11, including verifying the master right before exercising the subright by the second authorized device. (Column 26, line 55-60, a changed public root key (PU-R) may potentially interfere with signature validation for an older license 16 issued based on an older private root key (PR-R), such interference may be minimized by requiring that an upgraded black box 30 remember all old public root keys (PU-R). Alternatively, such interference may be minimized by requiring signature verification for a license 16 only once, for example the first time such license 16 is evaluated by the license evaluator 36 of a DRM system 18. In such case, state information on whether signature verification has taken place should be compiled, and such state information should be stored in the state store 40 of the DRM system 18).

Claims 35 and 42 are rejected under the same reason set forth in rejection of claim 23:

As per claim 24 Leung in view of Messerges discloses:

The method of claim 11, including contacting the first authorized device before each exercising of the subright by the second authorized device. (See the connection between the computer and portable device in fig. 13).

As per claim 25 Leung in view of Messerges discloses:

The method of claim 24, including verifying that the first authorized device is within a given range of the second authorized device. (Column 26, line 55-60, a changed public root key (PU-R) may potentially interfere with signature validation for an older license 16 issued based on an older private root key (PR-R), such interference may be minimized by requiring that an upgraded black box 30 remember all old public root keys (PU-R). Alternatively, such interference may be minimized by requiring signature verification for a license 16 only once, for example the first time such license 16 is evaluated by the license evaluator 36 of a DRM system 18. In such case, state information on whether signature verification has taken place should be compiled, and such state information should be stored in the state store 40 of the DRM system 18).

As per claim 32 Leung in view of Messerges discloses:

The device of claim 31, wherein the maximum distribution distance is included in the distribution right. (Column 1, line 20-25, the present invention relates to such an enforcement architecture that allows access to encrypted digital content only in accordance with parameters specified by license rights acquired by a user of the digital content).

As per claim 33 Leung in view of Messerges discloses:

The device of claim 31, wherein the subright grantable to the second device is defined by a provider of the master right. (Abstract, line 3-7, a sub-license corresponding to and based on the obtained license is composed and transferred to the device, and the content is rendered on the device only in accordance with the terms of the sub-license).

Claim 34 is rejected under the same reason set forth in rejection of claim 33:

11. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (Leung) (US 7,010,808) in view of Messerges (US Pub. No. 2004/0103312) and further in view of Messerges (US Pub. No. 2004/0088541).

As per claim 5 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 4, wherein the first authorized device and the second authorized device are included in an authorized domain, and the size of the authorized domain is managed by the master right. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of having size of authorized domain. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0088541) teaches this limitation as, (page 5, paragraph 47, user equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of having size of domain using the teaching of Messerges in order to limit the number of devices in the domain and secure the transfer of information within the domain.

As per claim 6 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 5, wherein the first authorized device manages the authorized domain. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claim 7 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 5, wherein the predetermined distribution criterion is that the number of authorized devices or persons which are allowed in authorized domain shall be smaller than a maximum domain participant number. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of having size of authorized domain. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0088541) teaches this limitation as, (page 5, paragraph 47, user equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of having size of domain using the teaching of Messerges in order to limit the number of devices in the domain and secure the transfer of information within the domain.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TESHOME HAILU whose telephone number is (571)270-3159. The examiner can normally be reached on Mon-Fri 7:30a.m. to 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2439

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Teshome Hailu/

Examiner, Art Unit 2439

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434